

REMARKS/ARGUMENTS

Claims 30-39, 43-63 and 65-78 are active in this application.

Claim 39 has been amended to define the cell as comprising the specific vector in Example 5 of the application per a discussion between the undersigned and the Examiner (see pages 23-25 of the specification for support).

No new matter is added.

Applicants acknowledge the Examiner's indication that Claims 43-53, 66-74 and 76-78 are withdrawn based on a Restriction requirement and those claims have been duly noted as such. Nonetheless, the non-elected claims (43-58, 66-73 and 76-78) are maintained and not cancelled so that once the elected claims are found to be allowable, the non-elected process claims will be rejoined under the principles set forth in MPEP §821.04: "if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined." Moreover, it is noted that these non-elected claims have been amended in a manner consistent with the elected subject matter so that upon consideration of rejoinder, the claims can be allowed with the elected claims.

As to the restriction of the search of the claims to both of the elected primer pairs (18/19 and 27/28), it is noted that this was an election of species (as opposed to a restriction between groups) with the understanding that once the elected species are to be found allowable, the Office should expand its search to include and allow the non-elected species. Therefore, Claim 74, while marked as withdrawn, has been maintained

The rejection of Claims 30, 32-34, 36-38, 40-42, 59-60, 62 and 64 under 35 USC 112, second paragraph is believed to be no longer applicable in light of the amendments submitted. Applicants appreciate the Examiner's suggested phrasing on page 6 of the Action. This language has been adopted into the claims.

Accordingly, Applicants request that this rejection be withdrawn.

The rejection of Claims 39-42 and 64-65 under 35 USC 112, first paragraph is believed to be no longer applicable in light of the amendments submitted. In particular, Claims 40-42 and 64-65 have been cancelled. Claim 39 has been amended to define what is comprised in the human cell, that is the specific vector described in the application in Example 5.

Withdrawal of this rejection is requested.

The rejection of Claim 79 under 35 USC 102 (a) or 102(b) in view of Matsuda or EST AI089251 is no longer applicable as Claim 79 has been cancelled. Withdrawal of this rejection is requested.

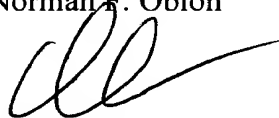
Similarly, as Claim 79 has been cancelled, the rejection of this claim under 35 USC 112, first paragraph is no longer applicable.

A Notice of Allowance for all pending claims is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even form for allowance, she is encouraged to contact Applicants' undersigned representative.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Daniel J. Pereira, Ph.D.
Registration No. 45,518

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)